1951

K

File No. Requisitioned Land (C of P) II

Legal Dept. 51(N)

B **BRANCH**

Subject:— Notifications under the Requisitioned Lands (Continuance of Powers) Act, 1947

P-5

E

File No. Requisitioned Land II/51(N)
(C of P)

Gen. 194 a.

342-B

Legal Department .

It was stated in the Additional Secretary, Legal Departments' Opinion No. 1758, dated 30th January 1951, for the reasons given therein that the Central Government is competent to acquire the lands in question under section 5 of the Requisitioned Land (Continuance of Powers) Act, 1947. That Act was due to expire on the 1st April 1951 but Parliament has now passed an Act called the Requisition Land (Continuance of Powers) Amendment Act, 1951 (IX of 1951) whereby the provisions of the principal Act have been kept in force till 1st April 1952 as respects the requisitioned lands which at the commencement of the Requisitioned lands (Continuance of Powers) Amendment Act 1951 are subject to requisition by or under authority of the Central Government. As the lands in question are subject to requisition under the authority of the Central Government (vide Collector of Nasik's Order No. L.D. No. 502/III , dated 8th February 1943 copy at page 45), that Government alone is competent to acqpire the lands in question under the principal Act as now lept in force . After the lands are so acquired, the question of their transfer to the State Government for the purpose of Begger's Home will have to be settled in consultation between the two Governments. There is no other way of regularising the acquisition proceedings

Id/- J.R.D.
dt/- 4/4/

Secretary to Government.-

U.R. to R.D. No. 5499, dated the 5th April 1951.

V.V.K. 7/7/
5C.

Legal Department .

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V.V.K. 7/7/
5C.

Office of the R-L-A

A revised draft notification in place of Revenue Department draft is sent herewith .

2. As the property mentioned in the draft notification was already acquired under the Defence of India Rules before the coming into force of the Requisitioned Land (Continuance of Powers) Act, 1947 , reference to section 6 of the latter Act in the preamble of the Revenue Department draft has been omitted from the revised draft. Secondly, reference to section 3 of the Repealing and Amending Act, 1947(II of 1948) , has been inserted in the preamble of the revised draft as the Defence of India Act, 1939 as well as Ordinance XII of 1946 has been repealed by the Repealing and Amending Act, 1947 but any right, title, obligation or liability acquired, accrued or incurred or any remedy or proceedings in respect thereof has been saved by section 3 of the said Act.

Id/- J.R.D.
dt/- 25/5/

Remembrancer of Legal Affairs.

U.R. to R.D. No. 8298 , dated the 26th May 1951.

V.V.K. 7/7/56/

5C.

Office of the R.L.A.

The draft notification at page 161 as amended is in order .

Id/- J.R.D.
dt/- 24/11/

Remembrancer of Legal Affairs.

U.R. to R.D. No. 18989, dated the 27th November 1951.

V. V.K. 7/7/
5C.

REVENUE DEPARTMENT,

Bombay Castle , November 1951.

REQUISITIONED LAND(CONTINUANCE OF POWERS) ACT 1947

No. 6824/45:- In exercise of the powers of the Central Government under clause (b) of sub-section (1) of Section 19 of the Defence of India, Act, 1939(XXXV of 1939) , entrusted to the Provincial Governments by the Government of India, Defence Department, Notification, No. 1365-O/42 , dated 19th September 1942, read with Section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), the Government of Bombay is pleased to appoint Shri D.B. Godbole, Civil Judge(Senior Division), Jalgaon, as Arbitrator to determine the amount of compensation payable in respect of the lands situate at Kandari Village of Bhusaval Taluka in the East Khandesh District specified in the Schedule annexed hereto and acquired by the Collector of East Khandesh under his Order No. LAQ 506 dated 17th February 1948 made under section 5 of the Requisitioned Land (Continuance of Powers) Act, 1947.

SCHEDULE.

S.No.	Acres Gunthas etc.

By Order of the Governor of Bombay ,

Secretary to Government.

Office of the R.L.A.

The proposal made by the Collector of Poona at page 27 c.s. is not legally feasible. Sub-section (1) of section 3 of the Requisitioned Land (Apportionment of Compensation)Act , 1949 , provies for the power of the arbitrator appointed under Section 19 of the Defence of India Act, 1939, or under section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947, to apportion the compensationpayable to several persons. That sub-section contemplates the appointment of an arbitrator who is also given the power of apportionment. In the present case no arbitrator had been appointed The total amount of compensation determined by the Collector has been accepted by the claimants. The question of exercising the powers under section 3 does not hherefore arise. Sub-section (2) of section 3 referes to awards made before 13th September 1949 and is not applicable here.

Id/- J.R.D.
dt/- 5/12/

Remembrancer of Legal Affairs.

U.R. to E.D. No. 19538 , dated the 5th December 1951.

V.V.K. 7/7/56/

5C.